

NAYS—12.

Abercrombie,	Glasscock,
Allen,	Kimbrough,
Claiborne,	Lane,
Field,	Maetze,
Finley,	Stephens,
Frank,	Woodward.

ABSENT—1.

Upshaw.

SIXTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, March 25, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by Dr. J. H. Luther.

On motion of Senator Stephens,
The reading of the Journal of Friday was dispensed with.On motion of Senator Upshaw,
Senator Jarvis was excused till tomorrow on account of sickness in his family.

On motion of Senator Tyler,

The Secretary, C. M. Boynton, was excused till to-morrow.

PETITIONS AND MEMORIALS.

By Senator Cranford:

Petition from citizens of Camp county, asking that the jurisdiction of the county court of said Camp county be restored.

Referred to Judiciary Committee No. 1.

By Senator Finley:

Petition of pharmacists, druggists and citizens of Denison, favoring the passage of a bill to regulate the practice of pharmacy in the State of Texas.

Referred to Committee on Public Health.

By Senator Tyler:

Petition of citizens of Mills county, praying that the civil and criminal jurisdiction of the county court of Mills county be diminished.

Referred to Judiciary Committee No. 1.

After having publicly read its caption, the President gave notice of signing, and did sign, in open session of the Senate,

Senate bill No. 369, "An act to amend an act to re-enact section 28 of an act entitled an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend said section 28 of said act, approved February 26, 1885."

REPORTS OF STANDING COMMITTEES.

By Senator Upshaw:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Constitutional Amendments, to whom was referred

Senate Joint resolution No. 13, To amend section 10, article 1, of the Constitution of the State of Texas,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[This bill seeks to amend the Constitution so as to provide that defendants in criminal prosecutions shall have compulsory process only for witnesses material to their defense.

All of which is respectfully submitted.

UPSHAW,
Chairman.

Resolution read first time.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. —, entitled "An act to restore to and confer upon the county court of Camp county the jurisdiction, civil and criminal, heretofore belonging to said county, under the Constitution and General Laws of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act,"

Have had the same under consid-

eration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend caption by adding after the word "Camp" the word "Greer."

Amend section 1 by adding the word "Greer" after the word "Camp," and by changing the word "county" where it occurs to the word "counties."

All of which is respectfully submitted.

McDONALD,
Chairman.

Bill read first time with amendments.

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 385, entitled "An act admitting to record certified transcripts from justices' courts, in same manner and like effect deeds are admitted to record."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

McDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 455, entitled "An act to restore the civil jurisdiction of the county court of Brazos county, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

McDONALD,
Chairman.

Bill read first time.

By Senator Burney:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 388, entitled "An act to amend section 1 of an act entitled an act to authorize cities and towns to levy and collect taxes for the construction or purchase of public buildings, water works, sewers, improvements, and to issue bonds therefor, and to repeal all laws in conflict therewith, approved March 23, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURNEY,
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, March 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 22, being "An act to authorize the Governor to purchase Sayles and Sayles' correct manuscript of all the existing laws of Texas, civil and criminal,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared

Senate bill No. 242, being "An act to prescribe the time of holding district court in the Eighth judicial district of Texas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills

have carefully examined and compared

Substitute Senate bills No. 50 and 52, being "A substitute for Senate bills Nos. 50 and 52,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 133, being "An act providing against the sale or gift of unlawful weapons to minors, and affixing the penalty therefor,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 359, being "An act to amend an act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business within this State, and to provide the mode of serving process on such corporations or associations,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Burges:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Lands, to whom was referred

Substitute House bill No. 348, entitled "An act to amend section 1 of an act to provide for the sale of such appropriated public lands situated in organized counties of the State of Texas as contain not more than six hundred and forty acres of land, approved March 29, 1887,"

Have had the same under consideration, and instruct me to report it back

to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURGES,
Chairman.

Bill read first time.

By Senator Lane:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

Senate bill No. 210, entitled "An act to amend article 967, title 24, Revised Civil Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass,

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Cranford:

A bill to be entitled "An act to restore to and confer upon the county court of Camp county the jurisdiction, civil and criminal, heretofore belonging to said county under the Constitution and General Laws of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

Referred to Judiciary Committee No. 1.

By Senator Field, by request:

A bill to be entitled "An act to prevent the joinder as defendants in one suit of sureties on different bonds."

Referred to Judiciary Committee No. 1.

The following message was received from the Governor:

To the Honorable Senate of the State of Texas:

I respectfully return, for your further deliberation and judgment,

Senate bill No. 346, entitled "An act to define the Fourth judicial district of the State of Texas, to prescribe the times for holding the terms of the district courts therein, to provide for the election and appointment of the district judges and district attorneys in said district, and to repeal

all laws and parts of laws in conflict therewith."

Also

Senate bill No. 347, entitled "An act to create the Forty-eighth judicial district of the State of Texas, to fix the time for holding the courts therein, and to provide for the appointment and election of judges and district attorneys in the same, and to repeal all laws and parts of laws in conflict therewith."

Received in the Executive Office March 18, A. D. 1889.

These comparison measures were predicated upon and passed under the plea of a pressing necessity for relief to a district believed to be overburdened with work, but after a careful examination and inquiry on the part of the Representatives directly interested in their passage, it does not appear that a proper regard for the public interests and an effective administration of the law is so urgent as to justify the creation of a new district, and the multiplication of offices and government employes, and I herewith return these bills to your honorable body without my official approbation.

L. S. Ross,
Governor.

On motion of Senator Johnson the bills just reported were referred with the message to the Committee on Judicial Districts.

Senator Seale sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 369, being "An act to amend an act, to re-enact section 28 of an act entitled an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend section 28 of said act approved February 26, 1885."

And find the same correctly enrolled, and have this day, at 11:25 o'clock a. m., presented the same to the Governor for his signature.

SEALE,
Acting Chairman.

BILLS ON THIRD READING.

Senate bill No. 59, a bill to be entitled "An act to prevent causes for injury done the person from abating upon the death of the injured person, and to preserve same to his or her heirs and legal representatives,"

Was laid before the Senate, read the third time and passed.

Substitute Senate bills Nos. 50 and 52, a bill to be entitled "An act to provide for giving notice of attachments levied upon real estate,"

Was laid before the Senate, read the third time and passed.

Substitute Senate bill No. 2, a bill to be entitled "An act to authorize the Governor to purchase Sayles and Sayles' correct manuscript of all the existing laws of Texas, civil or criminal,"

Was laid before the Senate, and read the third time.

The bill passed by the following vote:

YEAS—20.

Abercrombie,	Kimbrough,
Armistead,	Lane.
Atlee,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Field,	Simkins,
Frank,	Sims,
Glassecock,	Stephens,
Ingram,	Upshaw,
Johnson,	Wordward.

NAYS—5.

Allen,	McDonald,
Cranford,	Tyler.
Finley,	

ABSENT—4.

Burges,	Harrison,
Davis,	Townsend.

Senator Frank called up Senator Johnson's motion to reconsider the vote by which the Senate engrossed

Senate bill No. 133, a bill to be entitled "An act to provide against the sale of unlawful weapons to minors and to affix a penalty for the violation thereof."

Senator Frank moved to table the motion to reconsider.

Senator Pope moved a call of the Senate.

Call sustained.

Absent without excuse—Senators Burges, Davis, Harrison and Townsend.

The Sergeant-at-Arms was dis-

patched to bring in the absent Senators.

The pending business went to the table.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that Messrs. Moses, McKinney and Connelley have been appointed on the free conference committee on the part of the House on

House bill No. 36, a bill to be entitled "An act to amend section 46, chapter 25, of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the act of 1887. An act to amend section 46 of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1883, and March 27, 1887."

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

House bill No. 607, a bill to be entitled "An act to amend the charter of the city of Galveston by amending sections 46, 55, 95, 142 and 143 thereof, and by adding thereto sections 17a, 75a, 75b, 75c and 101a,"

Under a suspension of the constitutional rule and by a two-thirds vote—yeas, 80; nays, none.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed the following bills:

Senate bill No. 94, a bill to be entitled "An act to legalize the donation of property to establish or assist in establishing professorships or scholarships in the University of Texas or any of its branches, and to provide for the security and protection of their benefits in accomplishing the objects of their donors."

And

Senate bill No. 355, a bill to be entitled "An act to amend section 25 of an act to grant a new charter to the city of Dallas, passed by the Twenty-first Legislature, and approved March 13, 1889, with amendments,"

And

House bill No. 154, a bill to be entitled "An act to confer upon the owner or keeper of any stallion, jack or bull a lien on the progeny thereof,"

And

Substitute House bill No. 17, a bill to be entitled "An act to amend chapter 3, title 93, of the Revised Statutes of Texas, by adding thereto another section, to be denominated article 4579a."

The House has adopted the Senate concurrent resolution providing for the appointment of a joint committee to consider what amendments, if any, are necessary to the general incorporation laws of the State," and that Messrs. Gresham, White and Hayes have been appointed on such committee on the part of the House. Messrs. Brown of Grayson, Hamblen and Pope have been appointed on the part of the House on the Conference Committee to consider the differences between the two Houses on

Substitute House bill No. 574, "An act to amend chapter 2, title 84, of the Revised Civil Statutes of the State of Texas, so as to add thereto another article to be known as article 4260a."

W. M. IMBODEN,
Chief Clerk House of Representatives.

Senate bill No. 143, a bill to be entitled "An act to provide for leasing the unorganized county school lands,"

Was laid before the Senate, read the third time and passed.

Substitute Senate bill No. 169, a bill to be entitled "An act to provide for the survey, classification and disposition of the lands embraced in chapter 19, of the general laws of the Sixteenth Legislature, approved February 25, 1879,"

Was laid before the Senate, read the third time and passed by the following vote:

YEAS—20.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,

Field,
Frank,
Glasscock,
Ingram,
Johnson,

Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—1.

Finley.

ABSENT—3.

Burges,
Harrison,

Townsend.

Senator Finley sent up the following reason for voting against the bill: I vote "no" on this bill because Greer county is claimed by both Texas and the United States, and I think this bill should not pass until after that claim is settled, in order that the settler may know what title he is getting and may also know whether in making his settlement he is becoming a citizen of Texas or of some other country.

FINLEY.

Senator Lane entered a motion to reconsider the vote by which the Senate passed to its third reading.

House bill No. 84, a bill to be entitled "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95, of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882."

Senator Burges was announced at the door.

On motion of Senator Allen,

Senator Davis was excused till tomorrow, by the following vote:

YEAS—24.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Woodward.

NAYS—2.

Pope,

Upshaw.

ABSENT—2.

Harrison,

Townsend.

Senator Frank moved to excuse the

Senators who were absent without excuse.

The motion was lost by the following vote:

YEAS—17.

Abercrombie,	Glasscock,
Allen,	Ingram,
Armistead,	Kimbrough,
Atlee,	McDonald,
Claiborne,	Simkins,
Cranford,	Sims,
Field,	Stephens,
Finley,	Woodward.
Frank,	

NAYS—9.

Burges,	Pope,
Burney,	Seale.
Johnson,	Tyler,
Lane,	Upshaw.
Maetze,	

ABSENT—2.

Harrison,

Townsend.

Senate bill No. 242, a bill to be entitled "An act to prescribe the time for holding district court in the Eighth judicial district of Texas,"

Was laid before the Senate, read the third time, and

Passed by the following vote:

YEAS—23.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—2.

Harrison.

Townsend.

Senator Armistead called up Senator Lane's motion to reconsider the vote by which the Senate ordered engrossed

Senate bill No. 332, a bill to be entitled "An act to better protect the Capitol buildings and grounds; and to make it penal for any person not authorized by law to make use or have in their possession any key to any of

the doors, gates or other openings in said building or grounds."

The vote was reconsidered by the following vote:

YEAS—20.

Abercrombie,	Lane,
Allen,	Maetze,
Armistead,	Pope,
Burges,	Seale,
Field,	Simkins,
Finley,	Sims,
Frank,	Stephens,
Ingram,	Tyler,
Johnson,	Upshaw,
Kimbrough,	Woodward.

NAYS—4.

Burney,	Glasscock,
Claiborne,	McDonald.

ABSENT—4.

Atlee,	Harrison,
Cranford,	Townsend.

Senator Claiborne offered the following amendment:

Add to section 1: Nor shall any persons, except the judges of the Supreme and Appellate Courts use any room in said building as a bed room, nor shall the judges allow the use of their rooms to any other persons.

Senator Johnson moved to add Assistant Attorney General.

Adopted.

Senator Claiborne withdrew his amendment as amended with permission of the Senate.

Senator Johnson offered the following amendment:

Amend by striking out all that part of the amendment which prohibits the judges and assistant attorney general from allowing their rooms to be used by other persons.

Adopted.

The Senate refused to engross the bill by the following vote:

YEAS—7.

Allen,	Frank,
Armistead,	Glasscock.
Atlee,	McDonald.
Burney,	

NAYS—19.

Abercrombie,	Maetze,
Burges,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,

Finley,
Ingram,
Johnson,
Kimbrough,
Lane,

Stephens,
Tyler,
Upshaw,
Woodward.

ABSENT—2.

Harrison,	Townsend.
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Committee substitute for Senate bill No. 335, a bill to be entitled "An act to provide for a board to contract for, direct and supervise the lighting of the new Capitol building, fencing and improving the Capitol grounds, and to make an appropriation therefor,"

Was laid before the Senate and read the second time.

On motion of Senator Johnson,
The call was suspended.

Senator Johnson moved to

Amend section 5 by adding, "Providing that \$30,000 of which may be used for fencing and improvement of the grounds, and \$30,000 for lighting the capitol and grounds."

Senator Claiborne offered the following amendment to Senator Johnson's amendment:

"Amend by enacting \$35,000 for fencing and improving the grounds, and \$25,000 for warming and lighting the building, or so much as is necessary."

Adopted.

The amendment as amended was lost by the following vote:

YEAS—8.

Abercrombie,	Ingram,
Allen,	Lane,
Claiborne,	Pope,
Finley,	Seale.

NAYS—17.

Armistead,	Kimbrough,
Atlee,	Maetze,
Burges,	Simkins,
Burney,	Sims,
Cranford,	Stephens,
Field,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Johnson,	

ABSENT—3.

Harrison,	Townsend.
McDonald,	

Senator Tyler moved to

Amend by adding the following to section 5:

"Provided, further, that it shall be discretionary with the board herein

created whether the expenditures and improvements herein provided for shall be made or not."

The amendment was lost by the following vote:

YEAS—16.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Maetze,
Atlee,	Pope,
Burges,	Sims,
Cranford,	Tyler,
Finley,	Upshaw,
Frank,	Woodward.

NAYS—9.

Burney,	Lane,
Claiborne,	Seale,
Field,	Simkins,
Glasscock,	Stephens,
Kimbrough,	

The bill was passed by the following vote:

YEAS—19.

Abercrombie,	Ingram,
Allen,	Johnson,
Atlee,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	Seale,
Field,	Simkins,
Finley,	Stephens,
Frank,	Woodward.
Glasscock,	

NAYS—6.

Armistead,	Sims,
Cranford,	Tyler,
Pope,	Upshaw.

ABSENT—3.

Harrison,	Townsend,
McDonald,	

Senate joint resolution No. 19, "joint resolution to amend section 9, article 8, of the Constitution of the State of Texas,"

Was laid before the Senate on its third reading.

Senator Burney moved to strike out "1883" and insert theretofore "1888."

The amendment was

Lost by the following vote:

YEAS—2.

Burney,	Pope.
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NAYS—22.

Abercrombie,	Kimbrough,
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Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.

ABSENT—4.

Burges,	Johnson.
Harrison,	Townsend.

The resolution was read the third time, and

Passed by the following vote:

YEAS—24.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Pope,
Burney,	Seale,
Claiborne,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.

NAYS—1.

Cranford.

ABSENT—3.

Harrison,	Townsend.
Johnson,	

Senator Cranford sent up the following reason for voting "nay" on Senate joint resolution No. 19:

MR. PRESIDENT—I vote "no" on Senate joint resolution No. 19, to amend the Constitution, because the amendment, if adopted by the people, would restrict free suffrage and place a property qualification on the right to vote. In my opinion the right of free suffrage is one of the fundamental principles of free democratic government, and the slightest abridgement of this right is contrary to the spirit and genius of our institutions, and is dangerous in practice and wrong in theory.

Cranford.

Senate bill No. 133, a bill to be entitled "An act providing against the sale or gift of unlawful weapons to minors, and affixing the penalty therefor,"

Was resumed, with Senator Frank's

pending motion to table Senator Johnson's motion to reconsider the vote by which the Senate engrossed the bill.

Senator Johnson withdrew his motion to reconsider.

Senator Lane moved to

Amend by inserting the word "male" before the word "person."

Lost by the following vote:

YEAS—9.

Burges,
Ingram,
Johnson,
Lane,
Maetze,

Pope,
Seale,
Tyler,
Upshaw.

NAYS—17.

Abercrombie,
Allen,
Armistead,
Atlee,
Burney,
Claiborne,
Cranford,
Field,
Finley,

Frank,
Glasscock,
Kimbrough,
McDonald,
Simkins,
Sims,
Stephens,
Woodward.

ABSENT—2.

Harrison.

Townsend.

Senator Johnson moved to

Amend by inserting before the word "person" in line —, the word "unmarried."

Senator Simkins moved the previous question, on the amendment and the bill.

Seconded.

The main question was ordered.

Senator Johnson's amendment was lost.

By the following vote:

YEAS—15.

Abercrombie,
Armistead,
Burges,
Burney,
Ingram,
Johnson,
Kimbrough,
Lane,

Maetze,
McDonald,
Pope,
Seale,
Sims,
Tyler,
Upshaw.

NAYS—11.

Allen,
Atlee,
Claiborne,
Cranford,
Field,
Finley,

Frank,
Glasscock,
Simkins,
Stephens,
Woodward.

ABSENT—2.

Harrison,

Townsend.

The bill passed by the following vote:

YEAS—14.

Abercrombie,
Allen,
Armistead,
Claiborne,
Cranford,
Field,
Finley,

Frank,
Glasscock,
Ingram,
McDonald,
Simkins,
Stephens,
Woodward.

NAYS—12.

Atlee,
Burges,
Burney,
Johnson,
Kimbrough,
Lane,

Maetze,
Pope,
Seale,
Sims,
Tyler,
Upshaw.

ABSENT—2.

Harrison,

Townsend.

House bill No. 77, a bill entitled "An act to require all railroad companies to keep and maintain permanently their general offices, machine shops and roundhouses within the State of Texas, at certain designated places, and to keep all books, accounts, etc., at said offices, and to provide penalties for failing to comply therewith,"

Was laid before the Senate.

(Senator McDonald, President pro tem., in the chair.)

The bill was read the third time and

Passed by the following vote:

YEAS—24.

Abercrombie,
Allen,
Armistead,
Atlee,
Burges,
Burney,
Claiborne,
Cranford,
Field,
Finley,
Frank,
Glasscock,

Ingram,
Lane,
Maetze,
McDonald,
Pope,
Seale,
Simkins,
Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—1.

Kimbrough.

ABSENT—3.

Harrison,
Johnson.

Townsend.

Senator Kimbrough sent up the following reasons for voting against the bill:

I vote "No" on House bill No. 77 for the following reasons: This bill seeks to enforce section 3 of article 10, of the Constitution of the State. It prescribes that the offices of railroad companies shall be kept at the place named in the charter, if such place be named. This is right, but it also provides that if no place be named in the charter, then said railroad companies shall keep such offices at such place as they shall have agreed or may hereafter agree for a valuable consideration to keep them. The language of the bill leaves no doubt that it is intended to apply to contracts heretofore made as well as to former violations of such contracts.

I think this enactment, in so far as it applies to contracts made heretofore—and especially to instances in which the breach of contract has heretofore occurred—is retroactive in its operations, in that it attaches to such contract and the breach thereof, a penalty that did not attach to it at the time the contract was made, nor at the time of the breach. It is in violation of article 1, section 16 of the Constitution, because it violates the obligation of the contract by attaching this penalty, which the parties did not contract with reference to, and did not occur at the breach thereof.

As to its application to contracts that may be hereafter made, it is not sound policy for the State to allow corporations of this character to contract away to individuals or localities that which is to be done in the interest of the general public. The Legislature has the power to say at any time where the offices of any railroad shall be located, so as to best serve the public interest. This right should be preserved. The location of the offices should be made and caused to be made, with reference to the business of the corporation with the public, and no hardship that may grow out of private contracts will justify this body in undertaking to subordinate the public interest to the private contracts of the corporation made with individuals. For instance, the removal of the general offices of the Texas and Pacific road from Dallas back to Marshall would be very detrimental to the public interest.

The penalty of forfeiture of charter is that which should be inflicted for the protection of general interests only. To destroy the existence of a railroad might work great evil to the masses. They are created, or should be, to serve the public. They should be forced to comply with their agree-

ments with towns and individuals in the courts of the country, and the Legislature should not be called on to do that which is within the province of the courts to do. The general offices of all railroad companies should be kept in Texas, and at such places as will best subserve the public interest.

KIMBROUGH.

On motion of Senator Tyler, the regular order of business was suspended to take up

House bill No. 552, a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county courts of La Salle and Mills counties."

The bill was laid before the Senate, read the second time and passed to its third reading.

On motion of Senator Tyler,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.
Johnson,	

NAYS—None.

ABSENT—3.

Buiges,	Townsend.
Harrison.	

The bill was read the third time, and

Passed by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Mr. President,
Johnson,	

NAYS—None.

ABSENT—3.

Burges, Townsend.
Harrison,

On motion of Senator Sims,
The regular order of business was
suspended to take up

Senate bill No. 49, a bill to be entitled "An act to amend articles 237 and 238, title 5, chapter 2 of the Code of Criminal Procedure so as to authorize magistrates to direct warrants of arrest to be executed anywhere in the State and by any peace officer in the State."

The bill was laid before the Senate and read the second time with committee amendments.

(The President in the chair.)

On motion of Senator Seale,

The Senate adjourned till 2:30 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

No quorum.

Senator Kimbrough moved a call of the Senate.

Call sustained.

Absent without excuse—Senators Claiborne, Cranford, Harrison, Lane, Pope, Seale, Simkins, Townsend and Tyler.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senators Claiborne, Lane, Seale and Tyler were announced at the door.

By leave,

Senator Frank sent up the following committee reports:

COMMITTEE ROOM,
AUSTIN, March 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Penitentiaries, to whom was referred

Senate joint resolution No. 21, providing for the appointment of three persons annually to visit the penitentiaries and report to the Governor all whom in their judgment should be pardoned,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted

FRANK,
Chairman.

Resolution read first time.

COMMITTEE ROOM,
AUSTIN, March 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Penitentiaries, to whom was referred

Senate joint resolution No. 22, entitled "An act to give the Governor authority to appoint committees to visit the penal and charitable institutions of the State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

FRANK,
Chairman.

Bill read first time.

On motion of Senator Kimbrough, the Senate concurred in House amendments to

Senate bill No. 355, a bill to be entitled "An act to amend section 25 of an act entitled an act to grant a new charter to the city of Dallas, passed by the Twenty-first Legislature and approved March 13, 1889."

The Senate resumed consideration of

Senate bill No. 49, a bill to be entitled "An act to amend articles 237 and 238, title 5, chapter 2, of the Code of Criminal Procedure; so as to authorize magistrates to direct warrants of arrest to be executed anywhere in the State by any peace officer in the State,"

It being the pending business,

(Senator Frank in the chair.)

Senator Sims moved to reject the committee amendments.

(The President in the chair.)

On motion of Senator Pope,

The call of the Senate was suspended.

Senator Sims' motion to reject the committee amendments was adopted by the following vote:

YEAS—14.

Burges,
Claiborne,
Field,
Finley,
Ingram,
Kimbrough,
Lane,

Maetze,
Pope,
Seale,
Sims,
Tyler,
Upshaw,
Woodward.

NAYS—12.

Abercrombie,	Frank,
Allen,	Glasscock,
Armistead,	Johnson,
Atlee,	McDonald,
Burney,	Simkins,
Cranford,	Stephens.

ABSENT—2.

Harrison,	Townsend.
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Senator Sims moved to
Amend by adding after the word
"State" in line 15, page 1, as follows:
"And such officer may go into any
county in the State to execute such
warrant."

Senator Stephens moved to
Amend amendment by adding the
words, "when the defendant is charged
with a felony only."

The amendment to the amendment
was lost by the following vote:

YEAS—12.

Armistead,	Glasscock,
Atlee,	Johnson,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Frank,	Stephens.

NAYS—14.

Abercrombie,	Lane,
Allen,	Maetze,
Burges,	Pope,
Field,	Sims,
Finley,	Tyler,
Ingram,	Upshaw,
Kimbrough,	Woodward.

ABSENT—2.

Harrison,	Townsend.
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Senator Sims' amendment was
adopted.

Senator Sims moved to
Amend by adding thereto the emer-
gency clause, as follows:

Section 3. Whereas, many parties
who commit crimes which are felonies
under the laws of this State, may es-
cape without arrest, creates an emer-
gency and an imperative public neces-
sity exists requiring the constitutional
rule requiring bills to be read on three
several days be suspended, and that
this act be in force from and after its
passage, and it is so enacted.

Adopted.

The bill as amended was ordered
engrossed by the following vote:

YEAS—20.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	McDonald,
Cranford,	Pope,
Field,	Sims,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.

NAYS—6.

Armistead,	Simkins.
Atlee,	Seale,
Johnson,	Stephens.

ABSENT—2.

Harrison,	Townsend.
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The President referred
House bill No. 154 to the Committee
on Stock and Stockraising.

House bills Nos. 607 and 586 to the
Committee on State Affairs.

Substitute House No. 17 to Judiciary
Committee No. 1.

On the part of the Senate.

The President appointed Senators
Tyler, Kimbrough and Armistead on
the conference committee to adjust the
differences between the two houses on
Senate concurrent resolution No. 14,
"For a joint committee of three from
each house to consider and report to
each house what amendments are nec-
essary to the general incorporation
laws of the State."

On motion of Senator Upshaw,
The regular order of business was
suspended to take up

Senate bill No. 284, a bill to be enti-
tled "An act to amend title 86, chapter
1 of the Revised Statutes of Texas, by
adding thereto article 4304a."

The bill was laid before the Senate
and read the second time with a com-
mittee substitute.

The committee substitute was
adopted and ordered engrossed.

On motion of Senator Upshaw,
The constitutional rule was sus-
pended to put the bill on its third
reading and final passage

By the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Pope,
Burney,	Seale,

Cranford,	Simkins,
Field,	Sims.
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.
Johnson,	

NAYS—1.

Claiborne.

ABSENT—2.

Harrison, Townsend.

The bill was read the third time and

Passed by the following vote:

YEAS—24.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Pope,
Burney,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Ingram,	Upshaw,
Johnson,	Woodward.

NAYS—1.

Claiborne.

ABSENT—3.

Glasscock, Townsend.
Harrison,

On motion of Senator Finley, the regular order of business was suspended to take up

Senate bill No. 365, a bill to be entitled "An act to authorize county attorneys to appoint not exceeding two assistant county attorneys in each county; define their duties and qualifications, and provide for their compensation."

The bill was laid before the Senate, and read the second time with committee amendments.

The committee amendments were adopted.

Senator Kimbrough moved to

Amend section 1 by striking out the words, "not exceeding two" in line 3, and insert the word "such," and add after the word county in line 4, the following, "as may be necessary."

Adopted.

Senator Claiborne moved to

Amend by striking out the enacting clause.

Senator Finley moved to

Amend section 1 by adding, "who shall act in the name of their principal."

Adopted.

Senator Allen moved to

Strike out "attorney" in line 2, section 1, and insert "judge as necessity arises."

Lost.

On motion of Senator Lane Senator Claiborne's amendment was laid on the table.

The bill as amended was ordered engrossed.

On motion of Senator Finley,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetz,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Seale,
Field,	Simkins,
Finley,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Woodward.

NAYS—1.

Upshaw.

ABSENT—2.

Harrison, Townsend.

The bill was read the third time.

Senator Kimbrough moved to

Amend by striking out "not exceeding two" from the caption of the bill.

Adopted by the following vote:

YEAS—23.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Woodward.
Ingram,	

NAYS—3.

Claiborne, Upshaw.
Seale,

ABSENT—2.

Harrison, Townsend

Senator Pope moved to

Amend: "One of the assistants provided for shall be required to prosecute minors for carrying borrowed deadly weapons."

On motion of Senator Glasscock, Senator Pope's amendment was tabled by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Pope,
Burney,	Seale,
Claiborne,	Simkins,
Cranford,	Sims,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.
Johnson,	

NAYS—1.

Finley.

ABSENT—2.

Harrison, Tonwsend.

The bill as amended passed by the following vote:

YEAS—22.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope.
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Woodward.

NAYS—4.

Claiborne,	Seale,
Ingram,	Upshaw.

ABSENT—2.

Harrison, Townsend.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed by the House

to inform the Senate that the House has passed

House bill No. 586, "An act to provide for the lease of the Temporary Capitol building in the city of Austin to the Board of Directors of the John B. Hood Camp, Confederate veterans,"

Under a suspension of the rules and by two-thirds vote—yeas, 84; nays, none.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I beg to inform the Senate that the House has refused to concur in the first and has concurred in the last two Senate amendments to

Substitute for House bills Nos. 9, 117, 136, 192 and 313, a bill to be entitled "An act to define trusts and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas."

W. M. IMBODEN,
Chief Clerk House of Representatives.

Senator Stephens sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

To Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House:

Your free conference committee on part of the Senate and House, to whom was referred the difference existing between the two houses on

House bill No. 36, entitled "An act to amend section 46, chapter 25 of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, amended April 4, 1881, and April 12, 1883, and March 27, 1887,"

Have had the same under consideration, and instruct us to report it back to the House with the recommendation that the Senate recede from the amendment striking out section 3, and that the House concur in the other Senate amendments, and we further recommend that the word "Throckmorton" be added after the word "Haskell" in line 10, section 3, original bill.

All of which is respectfully submitted.

BURNEY,
SIMS,
STEPHENS,
On part of Senate.
MOSES,
CONNELLEE,
On part of House.

On motion of Senator Stephens, the report was adopted.

SENATE CHAMBER,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The undersigned, your committee appointed under the concurrent resolution of this Legislature, passed on the eighth day of February, 1889, beg to submit the following report:

Your committee with the five members appointed from the House of Representatives, met in St. Louis on the twelfth day of March, 1889, with like committees from each of the States of Colorado, Kansas, Nebraska, Minnesota, Missouri, Illinois, Indiana and Iowa, and, after permanent organization, proceeded to consider the matters for which the conference was called, the purpose being stated in a resolution of the Legislature of the State of Kansas, heretofore presented in this honorable Senate, as follows:

SENATE CONCURRENT RESOLUTION
NO 9.

WHEREAS, In the minds of the stockgrowers of the State of Kansas there exists a great distrust as to the intent, purpose and action of an alleged "beef and pork combine" or "trust," so-called; and

Whereas, It is publicly asserted, and generally believed, that such alleged "combine" or "trust" is directly responsible for the present low price of beef products; and

Whereas, It is claimed that such alleged "combine" or "trust" has exerted a powerful influence toward centralizing the market in Kansas City and Chicago, thereby bringing the beef and pork product of the United States under their absolute control; and

Whereas, The prices now offered for beef, cattle and hogs allowed the producer little, if any, profit, the cost of production equaling the prices allowed and paid by said alleged "combine" or "trust," thereby injuring and destroying one of the great industries of the West; and

Whereas, It is urged and desired that the operations, intent and purpose of such alleged "combine" or "trust" should be fully investigated, and such legislation enacted as will tend to protect the stockgrower and farmer against the manipulations of such alleged "trust," or if the allegations and charges above set forth are unfounded and do not exist in fact, then that the public through such investigation of the matter may be fully advised and informed in the premises.

Therefore be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:

First. That the Governor of the State of Kansas be and is hereby requested to correspond with the Governors of interested States, with a view to securing joint action of such States in matters of legislation affecting such alleged "beef and pork combine" or "trust," so called.

Second. That if, in such correspondence, it shall be found expedient, the Governor is further requested to take such steps as will secure a convention of members of the Legislature of the several States interested with a view to securing and the perfection of uniform legislation concerning such "trust" or "combine."

Third. That if, in such correspondence, it shall be found that such convention can be held, then the Governor, on behalf of the State of Kansas, is hereby authorized to agree upon a place and time for holding such convention.

Fourth. That, in the opinion of the Legislature of the State of Kansas, such convention should be composed of three Senators and five members of the House of Representatives from each State, appointed by the respective chief officers of such bodies.

Fifth. That the actual expense and mileage of members composing such convention should be paid by the State appointing the same.

In the deliberations of the conference, three distinct propositions were discussed, to wit:

First—That the effect of establishing a deep water port on the gulf coast of Texas, would tend to break up combinations which controlled and centralized the cattle and pork markets of the States represented, and that Congress should be urged to make adequate appropriation for the establishment of such port.

Second. That legislation is necessary to define trusts and combinations against trade and commerce as of-

fenses against public welfare, in order to break up such combinations and trusts and to prevent the same, and to punish with appropriate penalties all persons engaged therein.

Third. That uniform laws forbidding the sale of dressed meat unless the animal slaughtered had been inspected alive within five miles of the place where the same, as dressed meat, should be offered for sale, would effectually break up the beef and pork combine at Chicago and other large cities.

The discussion of the first proposition in the adoption of the following resolution:

Whereas, under the resolution which forms the basis of this conference of the representatives of nine of the producing States of the Union, it is found that powerful combinations exist by which a general depression in the beef and pork industries has been effected, compelling the producers to sell at a low price, without a corresponding reduction in the price of the dressed meat to the consumer; and

Whereas, Such combinations have centralized the market in such manner that prices are under their control and not governed by the natural laws of supply and demand, and a diversion of the products of the States interested from such centralized markets would tend to break and destroy the effect of such combinations; and better facilities for commerce are needed in order that the beef and pork products of the States here represented may have free access to the markets of the world; and,

Whereas, The rapidly increasing interests of the said States, by reason of the industries herein mentioned, demand favorable legislation on the part of the general government, when it may be practicable in the regulation of foreign and interstate commerce by furnishing ample, secure and convenient harbors and outlets; therefore,

Resolved, That it is the wish of this convention that there should be at least one permanent deep water port on the Gulf of Mexico, at some point between the Mississippi and Rio Grande rivers; and that the general government should at once have a survey of that coast made for the purpose of ascertaining the most available point for such port, and should appropriate funds sufficient to open such port as soon as practicable.

It was directed also that a committee be appointed from the representatives of the several States assembled to proceed to Washing-

ton and request the President to urge upon Congress the granting the relief sought in this resolution.

The discussion of the second proposition resulted in unanimously recommending that the Legislatures of the States represented pass a uniform law defining trusts and combinations, and prohibiting and punishing the persons engaging therein, when in violation of law. The bill now pending in this Legislature, to wit, House bill No. —, was considered and adopted in full as an appropriate and efficient measure.

Upon the third proposition there was a division of opinion. The majority of the convention favored the passage of such inspection law as prevented the sale of dressed meat unless the live animal had first been inspected, within five miles of the place where the same, as dressed meat, should be offered for sale.

Two States (Texas and Illinois) solidly opposed such measure, four (Colorado, Indiana, Minnesota and Nebraska) were solid in its favor, while Missouri, Kansas and Iowa were divided. In view of the lack of unanimity on such a matter, and the opinions of the entire committee for our State, your committee do not feel bound to commend such legislation as proper, believing such an inspection law would operate against the cattle interests of the State, and would be against fundamental law.

In the consideration of the second proposition there was also adopted the following:

WHEREAS, It is commonly asserted, and very generally accepted as true, that certain powerful "trusts" and combinations of corporations and individuals have united and combined for the purpose of controlling the market price of the cattle, pork, grain and other products of the country and have entered into agreements and combinations with railroad companies for the purpose of centralizing the above-named products in Chicago and other large Western cities; and

Whereas, All such combinations for the purpose of centralizing the markets and controlling or fixing the prices of such productions is contrary to public policy and an injustice to the producer and consumer, which should be prohibited by laws; and,

Whereas, State laws are inadequate to wholly remedy the evil complained of, and believing that national legislation is demanded to give complete protection to the producers and consumers; therefore, be it

Resolved. First—That the Congress of the United States be respectfully requested to pass a law with adequate penalties towards violation prohibiting any corporation, company or individual from entering into or becoming party to any pool, combination, trust or confederation for the purpose of regulating, fixing or controlling the price of beef, pork, grain or other productions of the country.

Second—That the interstate commerce law for the control of railroad companies be so amended that it will work in harmony with a law as above requested.

This was adopted without a dissenting voice.

Your committee cannot refrain from expressing the belief that the conference of the legislative committees of the various States represented at St. Louis will result in benefit to the producers in these States, and your committee would further say that the great West appears to realize the fact that the establishment of a deep-water port on the Texas coast is not a selfish Texas scheme, but a necessity demanded by a common interest of the vast territory tributary to such a port.

All of which is respectfully submitted.

STEPHENS,
ATLEE,
UPSHAW.

By leave

Senator Burges sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Lands, to whom was referred,

Senate bill No. 370, entitled "An act to set apart and appropriate all the public lands heretofore placed upon the market under an act approved July 14, 1879, for the purpose of securing one or more deep water ports on the coast of Texas, and to provide for surveying and classifying said lands,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The object of this bill is to appropriate about three million acres of the reserve public domain of the State, to be hereafter used in getting one or more deep water ports on our coast, in such way as the Legislature may hereafter provide.

All of which is respectfully submitted.

BURGES,
Chairman.

Bill read first time.

On motion of Senator Abercrombie The regular order of business was suspended to take up

Senate bill No. 253, a bill to be entitled "An act to require convicts to the penitentiary of this State to work upon the public roads of this State and upon the public streets of incorporated cities, towns and villages within which any of the penitentiaries of this State may be situated, and to enforce the same by proper penalties."

The bill was laid before the Senate and

Read the second time.

Senator Abercrombie offered the following amendment:

Amend by striking out all of said section after the word "Texas" in the first line and inserting the following: "That all male persons convicted to the penitentiary of this State, and who may be confined in any penitentiary or worked upon any farm belonging to this State or other parties, and who would be subject to road duty if free citizens, shall be subject to work upon the public roads the same as free citizens of this State. And if any of the penitentiaries of this State are or should become situated within the limits of any incorporated city, town or village, such male convicts, as above mentioned, confined within the same shall be subject to work upon the streets of said city, town or village the same as free citizens are required to work upon the public roads."

(Senator Burges in the chair.)

(The President in the chair.)

Senator Stephens moved to

Amend the amendment to section 1, by adding thereto the words, "provided that not more than one-fourth of such convicts shall be subject to such road duty in any such county, city town or village in any year."

Lost.

Senator Abercrombie's amendment was adopted.

Senator Abercrombie moved to

Amend section 2, line 10, by inserting between the words "force" and "to" the word "subject."

Amend further by adding at the close of said section the following: "Provided further, that said convicts shall not be required to work said roads or streets at a greater distance than three miles from their place of confinement."

Senator Upshaw moved the previous question on the amendment.

Seconded.

The main question was ordered.

Senator Abercrombie's amendment was adopted.

Senator Abercrombie moved to

Amend section 3 by striking out all of said section after the word "State" in line 10, and inserting in lieu thereof the following: "And each guard or official so having said hands in custody while working upon the public roads or streets shall be considered and accounted as two road hands, and so credited to the State."

Adopted.

Senator Abercrombie moved to

Amend section 4, line 19, by striking out the word "do" and insert in lieu thereof the following: "To work upon the public roads of the county."

Adopted.

Senator Glasscock moved to

Amend section 5 by striking out all after the word "hands" in line 3, down to the word "at" in line 5.

Lost.

Senator Pope moved to

Amend section 4 by striking out all after the word "further," in line 19, and inserting in lieu thereof the following: "That the provisions of this bill, so far as they refer to convicts hired by the State to individuals or corporations, shall not apply to convicts heretofore hired, but only to those hereafter to be hired by the State:

Lost by the following vote:

YEAS—3.

Burney, Stephens.
Pope,

NAYS—21.

Abercrombie, Kimbrough,
Allen, Lane,
Armistead, Maetze,
Atlee, McDonald,
Burgess, Seale,
Claiborne, Simkins,
Cranford, Sims,
Field, Tyler,
Finley, Upshaw,
Frank, Woodward,
Glasscock,

NAYS—4.

Harrison, Johnson,
Ingram, Townsend.

Senator Stephens moved to

Amend section 4 by adding thereto the following: "Which amount of fifty cents per day for such convict labor

shall be paid by the county, city or town so using and receiving the benefit of such labor."

Senator Upshaw moved the previous question on the amendments and the bill.

Senator Stephens' amendment was lost by the following vote:

YEAS—8.

Burgess, Kimbrough,
Claiborne, Pope,
Finley, Stephens,
Glasscock, Tyler.

NAYS—16.

Abercrombie, Lane,
Allen, Maetze,
Armistead, McDonald,
Atlee, Seale,
Burney, Simkins,
Cranford, Sims,
Field, Upshaw,
Frank, Woodward.

ABSENT—4.

Harrison, Johnson,
Ingram, Townsend.

The bill, as amended, was ordered engrossed

By the following vote:

YEAS—19.

Abercrombie, Lane,
Armistead, Maetze,
Atlee, McDonald,
Burgess, Seale,
Burney, Simkins,
Cranford, Sims,
Field, Stephens,
Finley, Upshaw,
Frank, Woodward,
Kimbrough,

NAYS—5.

Allen, Pope,
Claiborne, Tyler,
Glasscock,

ABSENT—4.

Harrison, Johnson,
Ingram, Townsend.

The following reasons were sent up:

I vote "no" because I believe section 4, so far as it interferes with present contracts, is unconstitutional. The other provisions of the bill meet my approval.

POPE.

I vote "no," because I deem it unconstitutional, and, if constitutional,

it does not equally distribute to all the people of the State labor that belongs to all the people of the State alike. Restricting the labor to three miles of the penitentiary, simply means the macadamizing of the streets in the towns of Huntsville and Rusk.

CLAIBORNE.

I vote "no" on the engrossment of Senate bill No. 253, because I do not believe it right and fair to the taxpayers of the State to permit those counties and towns in which the penitentiaries are located, and those counties in which the convicts are held on farms, railroads, etc., to take so much of the time of said convicts to work on their roads and streets. It would probably be right to allow the convicts to work on the roads of those counties to an extent equivalent to the amount of their necessary use of such roads, but I am not prepared to go further than this. The convicts are maintained largely by appropriations raised by taxes on all the people of Texas, and every day of their time taken to work on roads calls for that much more money to be appropriated to maintain them.

TYLER.

On motion of Senator Armistead, The regular order of business was suspended to take up

House substitute for Senate bill No. 191, a bill to be entitled "An act to amend section 1, chapter 4, of an act entitled an act to create the county of Brewster and provide for its organization, approved February 2, 1887, and also to amend section 1, chapter 38 of an act entitled an act to create the counties of Buchel, Foley and Jeff Davis out of the county of Presido, approved March 15, 1887, and to more particularly define, fix and establish the boundary lines of said counties."

The bill was laid before the Senate, read the second time and passed to its third reading.

Senator Armistead moved to suspend the constitutional rule and place the bill on its third reading and final passage.

Lost by the following vote:

YEAS—24.

Abercrombie,	Claiborne,
Allen,	Cranford,
Armistead,	Field,
Atlee,	Finley,
Burges,	Frank,
Burney,	Glasscock,

Johnson,
Kimbrough,
Lane,
Maetze,
McDonald,
Pope,

Seale,
Simkins,
Sims,
Stephens,
Tyler,
Woodward.

NAYS—None.

ABSENT—4.

Harrison,
Ingram,

Townsend,
Upshaw.

On motion of Senator Burney,
The Senate adjourned till 10 o'clock to-morrow morning.

SIXTY-SECOND DAY.

SENATE CHAMBER.
AUSTIN, March 26, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Upshaw,

Senator Harrison was excused for yesterday, on account of sickness.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 26, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I beg to inform the Senate that the House has concurred in the Senate amendments to

House bill No. 77, entitled "An act to require all railroad companies to keep and maintain their general offices within the State of Texas at certain places, and to keep all books, accounts, and to provide penalties for failing to comply therewith."

W. M. IMBODEN,
Chief Clerk House of Representatives.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, March 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred